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C O N F I D E N T I A L SECTION 01 OF 02 CARACAS 002201

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [KDEM](#) [VE](#)
SUBJECT: GOV GAG RULE ON INTERNATIONAL OBSERVERS

CLASSIFIED BY: ABELARDO A. ARIAS, ACTING DEPUTY CHIEF OF MISSION, FOR REASONS 1.4(B) AND (D).

SUMMARY

11. (C) VENEZUELA'S NATIONAL ELECTORAL COUNCIL (CNE) APPROVED ON JUNE 23 THE REGULATIONS FOR INTERNATIONAL OBSERVERS DURING THE AUGUST 15 PRESIDENTIAL RECALL REFERENDUM. THE RULES STIPULATE THAT OBSERVERS WILL HAVE FULL ACCESS TO VOTING SITES AND CNE OFFICES, BUT MAY NOT MAKE PRESS STATEMENTS OR RELEASE INFORMATION TO THE MEDIA. THE GOV RESERVES THE RIGHT TO DENY OR REVOKE THE ACCREDITATION OF ANY MEMBER OF THE OBSERVER MISSIONS. WRITTEN TO AVOID REPEATING THE EXPERIENCES OF THE SIGNATURE DRIVE AND APPEALS PROCESS WITH THE OAS AND THE CARTER CENTER (TCC), THE REGULATIONS AS CURRENTLY DRAFTED WOULD HAMPER INTERNATIONAL OBSERVATION.
END SUMMARY.

CNE APPROVES OBSERVER REGULATIONS

12. (C) THE NATIONAL ELECTION COMMISSION (CNE) APPROVED ON JUNE 23 (AND FINALIZED ON JULY 2) THE REGULATIONS FOR THE INTERNATIONAL OBSERVER MISSIONS DURING THE AUGUST 15 REFERENDUM. THE ELEVEN-ARTICLE RESOLUTION OUTLINES THE MISSION, SELECTION, ACCESS, RESPONSIBILITIES, AND RESTRICTIONS OF THE INTERNATIONAL OBSERVERS. THE RESOLUTION HIGHLIGHTS FOUR MAJOR PRINCIPLES FOR THE INTERNATIONAL OBSERVERS: RESPECT OF THE SOVEREIGNTY OF VENEZUELA, IMPARTIALITY, NEUTRALITY, AND TRANSPARENCY. THE RULES STIPULATE THAT OBSERVERS "MAY NOT OPINE OVER THE INTERNAL AFFAIRS OF VENEZUELA." OBSERVERS WILL BE PLACED UNDER THE SUPERVISION OF A CNE COMMITTEE HEADED BY PRO-CHAVEZ DIRECTOR OSCAR BATTAGLINI.

HAND-PICKED OBSERVERS

13. (C) THE RULES EMPOWER THE CNE TO INVITE OBSERVERS, WITH THE FORMAL INVITATION TO BE RELAYED BY THE MINISTRY OF FOREIGN RELATIONS. THE CNE MAY ALSO DENY OR REVOKE ACCREDITATION TO INDIVIDUALS FROM THE INTERNATIONAL OBSERVER MISSION WHO DO NOT COMPLY WITH THE STANDARDS AND REQUIREMENTS LAID OUT IN THE REGULATIONS. OPPOSITION CNE DIRECTORS EZEQUIEL ZAMORA AND SOBELLA MEJIAS VOTED AGAINST THE ARTICLES WHICH GIVE THE CNE AUTHORITY TO DENY OR REVOKE OBSERVER STATUS AND THE LIMITATION ON THE OBSERVERS' REPORTING ONLY TO THE CNE IN CONFIDENCE.

LOOK, BUT DON'T SPEAK

14. (C) THE APPROVED RESOLUTION GRANTS OBSERVERS FREE MOVEMENT AROUND THE COUNTRY AND OPEN COMMUNICATION WITH POLITICAL PARTIES AND PEOPLE ASSOCIATED WITH THE REFERENDUM PROCEDURES. THE OBSERVERS HAVE ACCESS TO THE BUILDINGS, SITES, AND SPACES OF ALL ELECTORAL AUTHORITIES. UPON REQUEST, THE OBSERVER MISSIONS HAVE ACCESS TO THE INFORMATION, DOCUMENTS, AND ARCHIVES OF THE CNE. TCC REPRESENTATIVE EDGARDO MIMICA TOLD THE AMBASSADOR ON JULY 2 THAT THE CNE WANTED TO MAKE THEIR SCHEDULES AND ESCORT OBSERVERS, WHICH TCC FINDS UNWORKABLE.

15. (C) THE RULES DO NOT MENTION WHETHER OBSERVERS CAN DO "QUICK COUNTS" OR PROJECTIONS ON ELECTION DAY. THE RESOLUTION STATES, HOWEVER, THAT THE OBSERVERS "CANNOT MAKE DECLARATIONS TO THE MEDIA, OR RELEASE STATEMENTS OR DOCUMENTS OF THE OBSERVER'S OPINIONS DURING THE ELECTORAL PROCESS." THE OBSERVER MISSIONS ARE REQUIRED TO PRESENT THE CNE WITH CONFIDENTIAL INFORMAL REPORTS AT THE END OF THE ELECTORAL

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PROCESS, WHICH THE CNE RESERVES THE RIGHT TO PUBLISH. OBSERVERS ARE RESTRICTED FROM MAKING SURPRISE VISITS TO SEE THE CNE BOARD (AS FORMER PRESIDENT JIMMY CARTER DID DURING

THE APPEALS PROCESS) WITHOUT WRITTEN CONSENT. OBSERVERS,

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OPPOSITION DECRIES "GAG RULE"

16. (U) ON JUNE 29, ASDRUBAL AGUIAR, INTERNATIONAL LIAISON FOR THE COORDINADORA DEMOCRATICA, ATTACKED THE OBSERVER REGULATIONS FOR THEIR EMPHASIS ON SOVEREIGNTY, WHICH HE CALLED AN EXCUSE FOR DICTATORIAL REGIMES SUCH AS THOSE OF PINOCHET, FUJIMORI, AND CASTRO. AGUIAR ASSERTED THAT THE CNE RESOLUTION IS A "GAG RULE" BECAUSE OBSERVERS CANNOT COMMENT ON INTERNAL AFFAIRS OF THE STATE OR MAKE STATEMENTS TO THE PRESS. HE ASSERTED THAT THE RESOLUTION VIOLATES THE MAY 29 AGREEMENT BETWEEN THE OPPOSITION AND GOV AND THREATENS CONSTITUTIONAL REGULATIONS THAT PROTECT HUMAN RIGHTS. AGUIAR QUESTIONS HOW INTERNATIONAL OBSERVERS WILL BE ABLE TO EVALUATE TRANSPARENCY AND THE ELECTORAL PROCESS, BUT ONLY BE ABLE TO PRESENT FINDINGS CONFIDENTIALLY. WITHIN THE CNE, THERE ARE DISAGREEMENTS ABOUT THE NEW REGULATIONS.

COMMENT

17. (C) THE INTERNATIONAL OBSERVER REGULATIONS RESTRICT THE ACCREDITATION PROCESS AND THE REPORTING ABILITY OF THE INTERNATIONAL OBSERVERS. THE CONTENTIOUS POINTS -- PRESS STATEMENTS, APPROVAL OF INDIVIDUAL OBSERVERS, NO UNANNOUNCED VISITS -- ALL SEEK TO REDRESS THE CNE'S EARLIER CONFLICTS WITH THE OAS/TCC OBSERVERS. BATTAGLINI WAS CRITICAL OF THE INTERNATIONAL OBSERVERS THEN AND WILL NOW HEAD THE COMMITTEE TO OVERSEE THEM. THE OBSERVERS APPEAR TO BE WILLING TO WALK THE FINE LINE DRAWN BY THE CNE TO A POINT, BUT THEY WILL NOT COME JUST TO GIVE BLIND APPROVAL. STILL, ONCE THE OBSERVERS ARE ON THE GROUND, IT WILL BE POLITICALLY DIFFICULT FOR THE CNE TO CONTROL THEM, ESPECIALLY LUMINARIES SUCH AS FORMER PRESIDENT JIMMY CARTER OR OAS SEC GEN CESAR GAVIRIA. MCFARLAND

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